

APPEAL NO. 010871  
FILED JUNE 7, 2001

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). Following a contested case hearing held on March 19, 2001, the hearing officer resolved the two disputed issues by determining that the appellant's (claimant) injury of \_\_\_\_\_, does not extend to and include her low back and that she has not had disability as a result of the \_\_\_\_\_, injury. The claimant has appealed these determinations on sufficiency of the evidence grounds. The respondent (self-insured) has filed a response urging that the evidence sufficiently supports the challenged determinations and requesting affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant's compensable injury of \_\_\_\_\_, does not extend to and include her low back and that she has not had disability, as defined in Section 401.011(16), from her compensable injury. The claimant testified that while working in the kitchen of a school she tripped over a mop handle while carrying a box and fell forward, striking her chin on a table and her right knee on the floor and then fell backwards onto her buttocks. After being seen at a clinic that day, she returned to work. She also worked at the school as a painter during the summer months, work she described as quite physical, and in the fall term worked as a teacher's aide until May 26, 2000. The claimant stated that she has not worked since May 26, 2000, because of her pain. She did not dispute the carrier's assertion that her medical records do not reflect mention of low back symptoms until December 2000 when she made visits to an emergency room. An MRI showed mild lumbar disc bulging at two levels.

The hearing officer is the sole judge of the weight and credibility of the evidence and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence (Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ)). The Appeals Panel, an appellate-reviewing tribunal, will not disturb the challenged factual determinations of a hearing officer unless they are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust and we do not find them so in this case. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The decision and order of the hearing officer are affirmed.

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Philip F. O'Neill  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Susan M. Kelley  
Appeals Judge